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Attorney for DEDRICK BLOUNT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

| | |
|-------------------------------|------------------------------|
| THE UNITED STATES OF AMERICA, |) No. 2:21-CR-0035JAM |
| Plaintiff, |) |
| |) STIPULATION AND ORDER TO |
| v. |) CONTINUE STATUS CONFERENCE |
| |) AND EXCLUDE TIME |
| |) |
| |) |
| DEDRICK BLOUNT, and |) Date: October 19, 2021 |
| FRANK HOWARD GOWANS, Jr. |) Time: 9:15 a.m |
| Defendant. |) Judge: Hon. John A. Mendez |
| |) |

STIPULATION

By previous order, this matter was set a status conference on August 17, 2021. By this stipulation, the parties request to continue the status conference on August 17, 2021, to October 19, 2021, and to exclude time between August 17, 2021 and October 19, 2021, under Local Code T4.

The parties first acknowledge the extraordinary global events since March 2020 and the General Orders issued by the Chief Judge of this District in response to those events. On May 13, 2020, for the Chief Judge of this District issued General Order 618, which

suspends all jury trials in the Eastern District of California “until further notice.” Further, pursuant to General Order 611, the Chief Judge’s declaration of judicial emergency under 18 U.S.C. § 3174, and the Ninth Circuit Judicial Council’s Order of April 16, 2020 continuing this Court’s judicial emergency, this Court has allowed district judges to continue all criminal matters to a date after May 2, 2021.¹ This and previous General Orders, as well as the declarations of judicial emergency, were entered to address public health concerns related to COVID-19.

1. The parties agree and stipulate, and request that the Court find the following:

- a. The government has provided approximately 1300 pages of discovery associated with this case, which includes reports, photographs and other documents, as well as multiple recordings. All of this discovery has been either produced directly to counsel and / or made available for inspection and copying.
- b. The Indictment in this case was returned on February 11, 2021 (ECF 1.)
- c. Defendant Frank Gowens was arraigned on March 5, 2021 (ECF 11) and Defendant Dedric Blount was arraigned on April 15, 2021 (ECF 27.)
- d. The government and defense counsel have engaged in ongoing plea negotiations.
- e. Counsel for the defendants desire additional time to finish review of the

¹ A judge “may order case-by-case exceptions” at the discretion of that judge “or upon the request of counsel, after consultation with counsel and the Clerk of the Court to the extent such an order will impact court staff and operations.” General Order 618, ¶ 7 (E.D. Cal. May 13, 2020).

1 discovery, investigation, consultation with their clients, and finish
2 negotiating a possible resolution. All parties believe a resolution is possible
3 and are working towards that.
4

5 f. Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny counsel the reasonable time necessary for effective
7 preparation, taking into account the exercise of due diligence.
8

9 g. The government does not object to the continuance.

10 h. Based upon the above-stated facts, the ends of justice served by continuing
11 the case as requested outweigh the interest of the public and the defendant
12 in a trial within the original date prescribed by the Speedy Trial Act.
13

14 i. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. §
15 3161, et seq., within which trial must commence, the time period of August
16 17, 2021 to October 19, 2021, inclusive, is deemed excludable pursuant to
17 18 U.S.C. § 3161(h)(7)(A), B(iv), Local Code T4, because it results from a
18 continuance granted by the Court at defendants' request on the basis of the
19 Court's finding that the ends of justice served by taking such action
20 outweigh the best interest of the public and the defendant in a speedy trial.
21
22

23
24 2. Nothing in this stipulation and order shall preclude a finding that other provision
25 of the Speedy Trial Act dictate that additional time periods are excludable from the
26 period within which a trial must commence.
27

28 IT IS SO STIPULATED.

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3
4 Dated: August 12, 2021

Respectfully submitted,

PHILLIP A. TALBERT
Acting United States Attorney

5
6 /s/ JASON HITT
JASON HITT
Assistant United States Attorney

8
9 Dated: August 12, 2021

/s/ KELLY BABINEAU
KELLY BABINEAU
Attorney for DEDRICK BLOUNT

11
12 Dated: August 12, 2021

/s/ DAVID FISCHER
DAVID FISCHER
Attorney for FRANK GOWENS

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15
16 **FINDINGS AND ORDER**

17 IT IS SO FOUND AND ORDERED this 12th day of August, 2021.
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19 /s/ John A. Mendez
20 THE HONORABLE JOHN A. MENDEZ
21 UNITED STATES DISTRICT COURT JUDGE
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